IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1725 of 2005

Between:

Garugu Venkata Kondaiah, S/o.G.Govindappa,
R/o.Thimmanayani peta village, Kolimigundla Mandalam,
Kurnool Dist.

..... PETITIONER

AND

1 The Assistant commissioner, Endowments Department, Kurnool.
2 The Commissioner, Endowment Department, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus the proceedings of the 1st respondent in Rc. No.A2/5696/2004 Adm.Dt.17-01-2005 and declare the same as illegal, arbitrary, against the provisions of Hindu Religions & Endowments Act consequently set aside the same and to pass such other order or orders as this Honourable court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.J.SREENIVASULU

Counsel for the Respondents No.1 and 2: GP FOR ENDOWMENTS

The Court at the stage of admission made the following ORDER:

The petitioner states that he has been functioning as the Chairman of the Trust Board of Sri Agastheswara Swamy, Sri Venugopala Swamy, Sri Govindaraja Swamy, Sri Anjaneya Swamy and Sri Gomadugu Chennakesava Swamyvarla temples, Thimmanayunipeta village, Koilkuntla mandal, Kurnool district, since the year 1976. The Assistant Commissioner of Endowments, the first respondent, issued a notification dated 06.11.2004 inviting the applications for the purpose of constituting a Board of non-hereditary trustees for the said temples. The petitioner submitted a representation dated 03.12.2004 narrating the nature of services rendered by him to the said temples and requesting the first respondent to include him in the Trust Board. Through his order, dated 17.01.2005, the first respondent appointed five individuals as non-hereditary trustees. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

Even assuming that the petitioner has been functioning as the Member or the Chairman of the Trust Board for the past several years, no right, as such, accrues to him, to be included in the Trust Board for eternity. Such a privilege is conferred only on the families of founder trustees. The petitioner does not claim to be a founder trustee by himself or member of any founder family.

It is not as if the non-inclusion of the petitioner in the present Trust Board would

disentitle him from participating in the activities of the development of the temples. He can, certainly, associate himself with such activities and, in fact, may provide guidance, if the same is useful to the temples. The petitioner is not able to point out any legal infirmity in the impugned order.

Therefore, the writ petition is dismissed. It is, however, made clear that it shall be open to the petitioner to associate himself with the developmental activities of the temple and the first respondent as well as the members of the Board shall utilize the services of the petitioner as and when the situation demands. There shall be no order as to costs.

07.02.2005

ksld

To

1 The Assistant commissioner, Endowments Department, Kurnool.
2 The Commissioner, Endowment Department, Hyderabad.

3 Two CCs. to the G.P. for Endowments, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.